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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,325	03/09/2000	Mohammad R. Zonoun	003239.P059	2790

7590

08/12/2003

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EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,325

Applicant(s)

ZONOUN, MOHAMMAD R.

Examiner

TSULEUN R. LEI

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-120 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-14, 17-22, 24-36, 38-52 and 54-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al. (U.S. Patent 6,124,806) in view of Newman (U.S. Patent 5,835,907).

Regarding Claim 1, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module

Art Unit: 2686

includes a decoder to decode the received the information or messages.), the activation message being sent from an activator via a communication medium (Cunningham, Col.4, Lines 56-58, wherein the sensor interface module is an activator which transmit the information over unlicensed radio frequency bands.), the decoder generating an activation command (Cunningham, Col.2, Lines 58-62, wherein the data collection module transmit the information to the host module); and a transmitter coupled to the decoder to transmit an information message (Cunningham, Col.4, Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems), to a receiver using a communication protocol, the transmitter being responsive to the activation command (Cunningham, Col.4, Lines 58-62, wherein the data collection module transmits whenever it receives information from sensor interface modules, and transmits using a communication protocol associated with a commercially available information transmission system). Cunningham does not teach that the activation is in response to a telephony call. Newman, however, teaches that the activation is in response to a telephone call (Newman, Col.2, Lines 43-49). Therefore it would have been obvious for one of ordinary skill in the art at the time the

Art Unit: 2686

invention was made to combine the teaching of Newman into the teaching of Cunningham, so the remote metering can also be manually activated by a phone call.

Regarding Claim 2, Cunningham as modified by Newman teaches the apparatus of claim 1 wherein the receiver is coupled to a server (Cunningham, Col.4, Lines 62-67, host module), the server embedding the information message in network data to be sent over a network (Cunningham, Col.4, Lines 64-65, communicate through commercially available information transmission system).

Regarding Claim 3, Cunningham as modified by Newman teaches the apparatus of claim 1 wherein the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal (Newman, Col.4, Line 38, electromagnetic signal).

Regarding Claim 4, Cunningham as modified by Newman teaches the apparatus of claim 1 wherein the transmitting unit comprises a modulator to modulate the information message according to a modulating scheme (Cunningham, Fig.1, Fig.19 and Fig.30; Col.4, Lines 58-62, wherein it is inherent when the data collection modules transmit with signal modulation).

Regarding Claim 7, Cunningham as modified by Newman teaches the apparatus of claim 1 wherein the information message includes a location identifier corresponding to location of the transmitter (Newman, Col.1, Lines 6-11).

Regarding Claim 8, Cunningham as modified by Newman teaches the apparatus of claim 7 wherein the location identifier includes global positioning system (GPS) information (Newman, Fig.1).

Regarding Claim 9, Cunningham as modified by Newman teaches the apparatus of claim 7 wherein the telephony call is made by a person located in proximity of the location of the transmitter (Newman, Fig.1, 128).

Regarding Claim 10, Cunningham as modified by Newman teaches the apparatus of claim 7 wherein the telephony call is an emergency call using an emergency call number (Newman, Fig.1, 124).

Regarding Claim 11, Cunningham as modified by Newman teaches an apparatus comprising: a decoder to decode an

Art Unit: 2686

activation message, the activation message being sent from an activator in response to a telephony call, the decoder generating an activation command; and a receiving unit coupled to the decoder to receive an information message responsive to the activation command, the information message being sent from a transmitter according to a communication protocol via a communication medium (Newman, Fig.1 and Cunningham, Fig.1, Fig.19 and Fig.3).

Regarding Claim 12, Cunningham as modified by Newman teaches the apparatus of claim 11 wherein the receiving unit is coupled to a server, the server embedding the information message in network data to be sent over a network (Cunningham, Figs.48 & 4).

Regarding Claim 13, Cunningham as modified by Newman teaches the apparatus of claim 12 wherein the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal (Newman, Col.4, Line 38, electromagnetic signal).

Regarding Claim 14, Cunningham as modified by Newman teaches the apparatus of claim 13 wherein the receiving unit

Art Unit: 2686

comprises a demodulator to demodulate the information message according to a demodulating scheme (Cunningham, Fig.1, Fig.19 and Fig.3).

Regarding Claim 17, Cunningham as modified by Newman teaches the apparatus of claim 11 wherein the information message includes a location identifier corresponding to location of the transmitting unit (Newman, Col.1, Lines 6-11).

Regarding Claim 18, Cunningham as modified by Newman teaches the apparatus of claim 17 wherein the location identifier includes global positioning system (GPS) information (Newman, Fig.1).

Regarding Claim 19, Cunningham as modified by Newman teaches the apparatus of claim 18 wherein the telephony call is made by a person located in proximity of the transmitter (Newman, Fig.1).

Regarding Claim 20, Cunningham as modified by Newman teaches the apparatus of claim 19 wherein the telephony call is an emergency call using an emergency call number (Newman, Fig.1).

Art Unit: 2686

Regarding Claim 21, Cunningham as modified by Newman teaches a network comprising a plurality of commonly coupled location transmitters, each transmitter comprising a transmission unit to broadcast respective location information (Newman, Fig.1).

Regarding Claim 22, Cunningham as modified by Newman teaches the network of Claim 21, wherein the transmission unit of a transmitter broadcasts the respective location information on a substantially periodic basis (Cunningham, Col.32, Lines 29-33).

Regarding Claim 24, Cunningham as modified by Newman teaches the network of Claim 21, wherein the transmission unit of a transmitter broadcasts the respective location information responsive to an activation request (Cunningham, Col.32, Lines 29-33).

Regarding Claim 25, Cunningham as modified by Newman teaches the network of Claim 24, wherein at least one of the plurality of transmitters comprises a reception unit coupled to the transmission unit of the at least one of the plurality of

Art Unit: 2686

transmitters, the reception unit to receive the activation request and to notify the transmission unit of such receipt (Cunningham, Fig.30).

Regarding Claim 26, Cunningham as modified by Newman teaches the network of Claim 21, wherein each transmitter further comprises a reception unit coupled to the transmission unit to receive an activation request and to notify the transmission unit of such receipt; and wherein the reception units of a set of the transmitters to receive the activation request at substantially the same time (Cunningham, Figs.1, 19 & 30).

Regarding Claim 27, Cunningham as modified by Newman teaches the network of Claim 26, wherein the set of the transmitters comprises all of the plurality of transmitters in the network (Cunningham, Figs.1, 19 & 30).

Regarding Claim 28, Cunningham as modified by Newman teaches the network of Claim 26, wherein the set of the transmitters comprises less than all of the plurality of transmitters in the network (Cunningham, Figs.1, 19 & 30).

Art Unit: 2686

Regarding Claim 29, Cunningham as modified by Newman teaches the network of Claim 21; wherein the transmitters are geographically dispersed to form a distributed location broadcast system (Cunningham, Figs.1, 19 & 30).

Regarding Claim 30, Cunningham as modified by Newman teaches the network of Claim 21, wherein the transmission unit of a transmitter broadcasts respective broadcast information in a format consistent with at least one of an identification tag, an absolute location, and a relative location (Newman, Col.4, Lines 53-62).

Regarding Claim 31, Cunningham as modified by Newman teaches the network of Claim 21, further comprising: a network component capable of coupling to a first transmitter of the plurality of transmitters to receive and process the respective location information broadcast by the first transmitter (Cunningham, Figs.1, 19 & 30).

Regarding Claim 32, Cunningham as modified by Newman teaches the network of Claim 24, further comprising: a server coupled to the plurality of transmitters to selectively issue

Art Unit: 2686

the activation request to the plurality of transmitters
(Cunningham, Figs.48 & 49).

Regarding Claim 33, Cunningham as modified by Newman teaches the network of Claim 24, further comprising: a network component capable of sensing at least one of the plurality of transmitters, the network component comprising: a sensor capable of at least intermittent coupling to a first transmitter of the plurality of transmitters to receive the respective location broadcast by the first transmitter, a location determination unit coupled to the sensor to process the received respective location information, and a network interface to externally issue the respective location information in accordance with a packet data format (Cunningham, Figs.48 & 49).

Regarding Claim 34, Cunningham as modified by Newman teaches the network of Claim 33, further comprising: a server coupled to the plurality of transmitters to selectively issue the activation request to the plurality of transmitters responsive to a location event; and a packet network interposing the network interface of the network component and the server, the packet network to bear the packetized, respective location information to said server (Cunningham, Fig.46).

Art Unit: 2686

Regarding Claim 35, Cunningham as modified by Newman teaches the network of Claim 34, wherein the location event is generated by the network component (Cunningham, Col.32, Lines 32-33, host module).

Regarding Claim 36, Cunningham as modified by Newman teaches the network of Claim 35, wherein the location event comprises an emergency call (Newman, Col.2, Lines 21-29).

Regarding Claim 38, Cunningham as modified by Newman teaches a method of locating a networkable component, comprising: receiving a location information request, the location information request requiring a location information; generating at least one data packet comprising the location information; and transmitting the at least one data packet in response to the location information request (Cunningham, Figs.1, 19 & 30).

Regarding Claim 39, Cunningham as modified by Newman teaches the method of claim 38, wherein the data packet complies with Internet Protocol (Cunningham, Fig.46).

Art Unit: 2686

Regarding Claim 40, Cunningham as modified by Newman teaches the method of claim 38, wherein the receiving of the location information is performed by a receiver (Cunningham, Figs.1, 19 & 30).

Regarding Claim 41, Cunningham as modified by Newman teaches the method of claim 38, further comprising: storing the location information in a store for storing location information (Newman, Fig.2, 216).

Regarding Claim 42, Cunningham as modified by Newman teaches the method of claim 38, further comprising: receiving the location information from a location information receiving device (Newman, Col.2, Lines 22-29).

Regarding Claim 43, Cunningham as modified by Newman teaches the method of claim 42, wherein the location information receiving device is a Global Positioning System receiver (Newman, Col.2, Lines 22-29).

Regarding Claim 44, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information

Art Unit: 2686

is an absolute reference to a location (Newman, Col.2, Lines 22-29) .

Regarding Claim 45, Cunningham as modified by Newman teaches the method of claim 44; wherein the absolute reference comprises geographic coordinates (Newman, Col.2, Lines 22-29) .

Regarding Claim 46, Cunningham as modified by Newman teaches the method of claim 44, wherein the absolute reference contains a location address (Newman, Col.5, Lines 21-22) .

Regarding Claim 47, Cunningham as modified by Newman teaches the method of claim 44, wherein the absolute reference comprises Global Positioning System data (Newman, Col.2, Lines 22-29) .

Regarding Claim 48, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information comprises a relative reference to a location (Newman, Col.5, Lines 1-40, GIS, map correlation) .

Regarding Claim 49, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information

Art Unit: 2686

comprises a predetermined code associated with a location
(Newman, Figs.2 & 3).

Regarding Claim 50, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information request is generated in response to an emergency telephony call (Newman, Col.2, Lines 43-49).

Regarding Claim 51, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information request originates from a networkable component (Cunningham, Col.32, Lines 32-33, host module).

Regarding Claim 52, Cunningham as modified by Newman teaches the method of claim 51, wherein the networkable component is an emergency server (Newman, Fig.1, 124).

Regarding Claim 54, see Claim 38 for the teaching of Cunningham and Newman.

Regarding Claim 55, see Claim 47 for the teaching of Cunningham and Newman.

Art Unit: 2686

Regarding Claim 56, see Claim 36 and Claim 37 for the teaching of Cunningham and Newman.

Regarding Claim 57, see Claim 38 for the teaching of Cunningham and Newman.

Regarding Claim 58, see Claim 47 for the teaching of Cunningham and Newman.

Regarding Claim 59, see Claim 36 and Claim 37 for the teaching of Cunningham and Newman.

Regarding Claim 60, Cunningham as modified by Newman teaches a networkable component comprising: a location sensor to provide location information; a determination unit coupled to the sensor, the determination unit to determine the location information; and a network interface coupled to the determination unit to selectively transmit the location information over a network (Cunningham, Figs.1, 19, 30 & 47; Newman, Fig.1).

Regarding Claims 61, 81 and 101, see Claim 1 for the teaching of Cunningham and Newman.

Art Unit: 2686

Regarding Claims 62, 82 and 102, see Claim 2 for the teaching of Cunningham and Newman.

Regarding Claims 63, 83 and 103, see Claim 3 for the teaching of Cunningham and Newman.

Regarding Claims 64, 84 and 104, see Claim 4 for the teaching of Cunningham and Newman.

Regarding Claims 65, 85 and 105, see Claim 5 for the teaching of Cunningham and Newman.

Regarding Claims 66, 86 and 106, see Claim 6 for the teaching of Cunningham and Newman.

Regarding Claims 67, 87 and 107, see Claim 7 for the teaching of Cunningham and Newman.

Regarding Claims 68, 88 and 108, see Claim 8 for the teaching of Cunningham and Newman.

Art Unit: 2686

Regarding Claims 69, 89 and 109, see Claim 9 for the teaching of Cunningham and Newman.

Regarding Claims 70, 90 and 110, see Claim 10 for the teaching of Cunningham and Newman.

Regarding Claims 71, 91 and 111, see Claim 11 for the teaching of Cunningham and Newman.

Regarding Claims 72, 92 and 112, see Claim 12 for the teaching of Cunningham and Newman.

Regarding Claims 73, 93 and 113, see Claim 13 for the teaching of Cunningham and Newman.

Regarding Claims 74, 94 and 114, see Claim 14 for the teaching of Cunningham and Newman.

Regarding Claims 75, 95 and 115, see Claim 15 for the teaching of Cunningham and Newman.

Regarding Claims 76, 96 and 116, see Claim 16 for the teaching of Cunningham and Newman.

Art Unit: 2686

Regarding Claims 77, 97 and 117, see Claim 17 for the teaching of Cunningham and Newman.

Regarding Claims 78, 98 and 118, see Claim 18 for the teaching of Cunningham and Newman.

Regarding Claims 79, 99 and 119, see Claim 19 for the teaching of Cunningham and Newman.

Regarding Claims 80, 100 and 120, see Claim 20 for the teaching of Cunningham and Newman.

3. Claims 5-6, 15-16, 23, 37 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of Newman and further in view of Kennedy, III et al. (U.S. Patent 5,544,225).

Regarding Claim 5, Cunningham as modified by Newman teaches the apparatus of claim 4. Cunningham and Newman fail to teach that the modulation scheme is compatible with a sound signal.

Art Unit: 2686

Kennedy, however, teaches that the modulating scheme is compatible with a sound signal (Kennedy, Col.6, Lines 1-3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Johnson into the teaching of Cunningham and Newman, so the remote metering and location information can be transmitted in either digital or analog forms.

Regarding Claim 6, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 5 wherein the modulating scheme uses a pseudo random binary sound (PRBS) (Kennedy, Col.6, Lines 1-3).

Regarding Claim 15, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 14 wherein the demodulating scheme is compatible with a sound signal (Kennedy, Col.6, Lines 1-3).

Regarding Claim 16, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 15 wherein the demodulating scheme uses a pseudo random binary sound (PRBS) (Kennedy, Col.6, Lines 1-3).

Art Unit: 2686

Regarding Claim 23, Cunningham as modified by Newman and Kennedy teaches the network of Claim 21, wherein the transmission unit of a transmitter broadcasts the respective location information on a substantially continuous basis (Kennedy, Figs.5 &6, location of trucks can be monitored continuously).

Regarding Claim 37, Cunningham as modified by Newman and Kennedy teaches the network of Claim 34, further comprising an e-commerce transaction processor coupled to the packet network, wherein the location event is generated by the e-commerce transaction processor (Kennedy, Fig.1).

Regarding Claim 53, Cunningham as modified by Newman and Kennedy teaches the method of claim 51, wherein the networkable component comprises an association with a commercial transaction (Kennedy, Fig.1).

Response to Arguments

4. Applicant's arguments filed on 5/19/03 have been fully considered but they are not persuasive. Applicant argues that

Art Unit: 2686

the combination of Cunningham, Newman, and Kennedy does not disclose or suggest (1) a decoder, (2) activation message in response to a telephony call, (3) the decoder generating an activation command, and (4) transmit/receive information responsive to the activation command. In fact, all these device or procedures are inherently disclosed in the teaching of the recited references. Please see rejection on the claims for details. Since the prior art reference of Cunningham, Newman, and Kennedy read on the claims of this application, the claims are rejected.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2686

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL

TRL
August 5, 2003



NGUYEN T. VO
PRIMARY EXAMINER